



Outdoor Dining Licensing FAQs

- 1. I've already been approved for outdoor seating for 2022. Do I still need to re-apply for an outdoor seating license?**

If your outdoor seating layout on private property was approved and no changes are being made, you do not need to reapply for outdoor seating for 2022. Any business that has seating in a public way (sidewalk, parklet, public street) needs to reapply for a 2022 outdoor seating license, including those businesses that were approved prior to 2020.

- 2. I've been approved for outdoor seating on private property for 2022, but I want to change my layout. Do I need to re-apply?**

Yes, any revisions to the outdoor seating layout on public or private property requires a new application.

- 3. My outdoor patio seating was approved before the pandemic, do I need to re-apply for an outdoor seating license and provide stamped drawings from a design professional?**

- If your outdoor dining layout includes an overhead structure, stamped structural drawings of the structure are required.
- If you are applying for a permanent outdoor dining license, scaled and stamped layout plans from a design professional are required.
- A temporary outdoor dining license (only for 2022) without overhead structure does not require stamped structural drawings of a layout.

- 4. I have a private patio on private property, do I need to apply for an outdoor seating license?**

Yes. Refer to the [Outdoor Seating License Process Document](#) to proceed.

- 5. I have been approved for my private outdoor seating for 2022, and I want to build a parklet, how should I proceed?**

Apply for an outdoor seating license. All outdoor seating in the public way requires an application. (new or amended?)



6. I will try outdoor dining for the first time. What should I do?

Apply for a temporary license. Temporary licenses allow for any of the four following:

- Reduced documentation: layout plans do not require a stamp. Note departmental review may take longer to confirm all requirements are met.
- Non-contiguous premises to serve alcohol; typically for parklets with sidewalk between the outdoor seating and the restaurant.
- Public notification & hearing of license application/review.
- Toilet capacity does not need to meet increased outdoor seating.

You can then reapply with the required documentation for a permanent set up in 2023 if you decide to continue.

7. I have figured out the optimal outdoor dining set up and want to get all of the approvals to avoid additional department review in subsequent years. What should I do?

Make sure your outdoor layout and application meets all of the program guidelines including,

- Layout plan prepared by licensed design professional
- If serving alcohol, maintain contiguous premises to serve alcohol.
- Notify the public & attend licensing commission hearing.
- Meet toilet capacity for outdoor dining.

8. My business does not have a bathroom, can I still have outdoor seating?

Bathrooms are a requirement for sit down service, access to a bathroom will be required for license approval.

9. I have public furniture in front of my space, and it is in the way of my proposed outdoor dining area.

Existing public infrastructure will not be relocated for a temporary license, which would require a permanent license and the corresponding public hearing.

10. What is the process of requesting to have outdoor furniture moved to accommodate a permanent outdoor seating set up?



- Contact the engineering department including your business address, proposal for where the outdoor dining furniture can be moved, and additional details about your request at engineering@somervillema.gov.

11. I have a fire hydrant/bus stop/ loading zone in front of my restaurant. Can I still have parklet or sidewalk seating?

- A hydrant requires a parklet separation of 10', which may result in the parklet being in front of another business. Parklets outside of the frontage area of the business require written approval from neighboring business. Sidewalk seating, if the sidewalk is wide enough, is not limited by a fire hydrant to the same extent.
- A parklet cannot be located at a bus stop. A permanent license review could consider relocating a bus stop to provide for a parklet. This would require both Traffic Commission and MBTA permission and is highly unlikely. Sidewalk seating is also very difficult at a bus stop location, due to the extra sidewalk space required to maintain an accessible bus stop.
- A loading zone (or accessible parking space, or pick-up/drop-off space, or other regulated curb space) could be relocated, following approval with the Traffic Commission. The applicant would need to propose the location for the relocated loading zone and include that in their plans. Sidewalk seating, if the sidewalk is wide enough, could be a better opportunity.

12. Is there a way to have flexibility with restroom and seating capacity limits that allows an increase in my outdoor seating while reducing my indoor seating? Can I revert to my indoor restroom capacity when the weather is bad and no one wants to be outside?

If the quantity of seating at any given time is within the permitted amount, an outdoor seating license will allow for this flexibility.

13. For a business without a bathroom that wants to participate in outdoor dining, would a written agreement from an adjacent neighbor allow for outdoor seating?

A change in business function to include seating will require a bathroom. This year, a business that provides a written agreement for patrons to use an adjacent bathroom available for public use can receive a temporary outdoor dining license for the 2022 Outdoor dining season. All temporary outdoor seating licenses will expire at the end of the year. Businesses without a bathroom will not be approved for a permanent outdoor dining license.



14. Is there a way to indicate through the citizen serve portal if a business is applying for a temporary vs permanent license, or are businesses being provided permanent vs temporary licenses based on the documentation they submit?

At this time, all outdoor dining licenses being issued are temporary. Once additional guidance is shared by the Alcohol Beverage Control Commission (ABCC) regarding permanent changes to state laws, we will then begin to work with businesses to create permanent licenses. The ABCC extended their temporary regulation through the 2022 Outdoor dining season.